

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SAMANTHA J. COMFORT, on)
behalf of her minor child and)
friend, ELIZABETH NEUMYER,)
et al.,)
Plaintiffs,)

v.)

C.A. No. 99-11811-NG

LYNN SCHOOL COMMITTEE, et al.,)
Defendants,)
and,)
COMMONWEALTH OF MASSACHUSETTS,)
Defendant-Intervenor.)

TODD BOLLEN, et al.,)
Plaintiffs,)

v.)

C.A. No. 01-10365-NG

LYNN SCHOOL COMMITTEE, et al.,)
Defendants.)

GERTNER, D.J.:

ORDER AMENDING DECISION OF JUNE 6, 2003

September 5, 2003

Pursuant to the Court's order of June 6, 2003, in this case, the defendants filed a motion to correct factual errors in the June 6 decision [document #212]. That motion is **GRANTED IN PART AND DENIED IN PART**. The Court shall issue an Amended Memorandum and Order incorporating the following changes (all page numbers refer to the original June 6 decision):

- (1) The words "**as an elementary school teacher**" are inserted at the top of page 18 so that the text now correctly reads "Moreover, Birchenough testified from the perspective of

nearly forty years experience in the Lynn schools -- **as an elementary school teacher**, as an art teacher"

- (2) The words "**racial imbalance**" are substituted for "racial isolation" in the second full paragraph of footnote 26 on page 26, so that the text now correctly reads, "Students transferred from a school in which racial isolation exists to a school in which **racial imbalance** or racial balance exists."
- (3) The number "**83%**" is substituted for "84%" in the second full paragraph on page 32, so that the text now correctly reads "By 1984, notwithstanding the city's demographics, then roughly **83%** white and 17% minority, four of Lynn's seventeen elementary schools had minority populations of between 35% and 50%."
- (4) The word "**northeastern**" is substituted for "northwestern" in the second full paragraph on page 42, so that the text now correctly reads "In the 1990s white populations continued to move to the northern -- and particularly **northeastern** -- areas of Lynn"
- (5) The words "**eleventh grade students from all three of Lynn's high schools**" are substituted for the words "to students at Lynn's Classical High School" on page 50, so that the text now correctly reads "Dr. Orfield oversaw the administration of the Harvard Project's data-gathering questionnaire . . . to **eleventh grade students from all three of Lynn's high schools**."
- (6) The word "**developmental**" is substituted for "social" on page 51, so that the text now correctly reads "With the students she deployed observational and interview methodologies in her field of **developmental** psychology."
- (7) The third sentence of the first full paragraph on page 51 is rewritten to incorporate the words "**developmental and**," "**respectively**," and "**social and cognitive development**" and "**and attitudes**," so that the text now correctly reads "Drs. Killen and Dovidio, **a developmental and social psychologist, respectively**, viewed the data through the lens of their expertise: **social and cognitive development**, intergroup contact **and attitudes**, and racial stereotyping."
- (8) The words "**Social and Developmental Psychologist, Respectively**" are substituted for "Social Psychologists" in

the heading on page 54, so that the heading now correctly reads "Drs. Dovidio and Killen, **Social and Developmental Psychologist, Respectively.**"

- (9) The words "**a social and developmental psychologist, respectively**" are substituted for the words "both social psychologists" in the second full paragraph on page 54, so that the text now correctly reads "Drs. John Dovidio and Melanie Killen, **a social and developmental psychologist, respectively**, gave psychological content to Dr. Orfield's conclusions."
- (10) The words "**social science, including social and developmental psychology**" are substituted for the words "social psychology" in the second sentence of the first full paragraph of page 56, so that the text now correctly reads "Intergroup contact theory is a 50-year-old prescriptive theory of race relations with volumes of support in the literature on **social science, including social and developmental psychology.**"
- (11) The words "**white and nonwhite students**" are substituted for "minority students" in the second sentence on page 58, so that the text now correctly reads "Simply put, unless there is a 'critical mass' of **white and nonwhite students** in a given school"
- (12) The word "**northeast**" is substituted for "northwest" in the second full sentence on page 60, so that the text now correctly reads "The minority share of the population will increase in the mixed area between south central Lynn and the white dominated **northeast** portion of the city."
- (13) The percentage values of minority representation in the Shoemaker, Cobbet, and Connery schools are changed on page 60, so that the text now correctly reads "For example, a neighborhood system would take the Lynn Woods school from 24% to 8% minority, Shoemaker from 30% to **6%** minority, Aborn from **35%** to 12% minority, Cobbet from **83%** to **86%** minority, and Connery from 80% to **87%**."
- (14) The word "**northeast**" is substituted for "northwest" at the bottom of page 60, so that the text now correctly reads "The areas that would need the most attention, the racial enclaves in **northeast** and south central Lynn,"

- (15) The words "**social science literature, including in social and developmental psychology**" are substituted for "social psychology literature on page 64, so that the text now correctly reads "Second, Dr. Rossell's position that there is 'no research' supporting the critical mass concept is flatly contradicted by . . . an armful of **social science literature, including in social and developmental psychology**, on both critical mass and intergroup contact"
- (16) The words "**and developmental**" are inserted into the second sentence of the first full paragraph on page 64, so that the text now correctly reads "Her insistence that there is 'no research' whatsoever supporting the concept of critical mass conveyed, in essence, that she does not accept the validity of the studies cited in bulk by Drs. Dovidio and Killen -- namely, studies in social **and developmental** psychology."
- (17) The words "**fields of social and developmental psychology**" are substituted for "field of social psychology" (and "**them**" for "it") in the last sentence of the second full paragraph on page 64, so that the text now correctly reads "I am not willing to jettison the considered judgment of the entire **fields of social and developmental psychology** and the nationally known experts within **them**."
- (18) The words "**had recently decided to continue sixth grade instruction for another year**" are substituted for "had recently started giving sixth grade instruction" in footnote 64 on page 69, so that the text now correctly reads "Although Stinson was advised of her right to appeal this decision, she did not do so, giving her assent instead to her daughter's continued placement at Sewell-Anderson, which, though an elementary school, **had recently decided to continue sixth grade instruction for another year**."
- (19) The words "**juniors attending all three of Lynn's high schools**" are substituted for "juniors at Lynn's Classical High School" in footnote 83 on page 97, so that the text now correctly reads "The testimony of Lynn high school student Nicole Oak, as well as the responses that **juniors attending all three of Lynn's high schools** gave to Dr. Orfield's Diversity Assessment Questionnaire"
- (20) The words "**Social science literature -- including social and developmental psychology literature --**" are substituted for "Social psychology literature" in the first full sentence on

page 109, so that the text now correctly reads "**Social science literature -- including social and developmental psychology literature** -- cited by the defendants' experts instructs that racial isolation adversely impacts both minority attitudes and the attitudes of those in the majority."

- (21) The words "**social and developmental psychologists**" are substituted for "social psychologist" in the third sentence on page 113, so that the text now correctly reads "Rather, what she seems to be saying is that the studies and conclusions of **social and developmental psychologists** somehow do not count"
- (22) The words "**and developmental**" are added to the second sentence of the first full paragraph on page 114, so that the text now correctly reads "Desegregation experts and social **and developmental** psychologists nationwide"
- (23) The percentage values of minority representation in the Shoemaker, Cobbet, and Connery schools are changed on pages 123 and 124, so that the text now correctly reads "In fact, McArdle gave evidence that, if school attendance zones were to remain intact, a neighborhood-only plan would reduce the minority population of . . . Shoemaker from 30% to **6%** minority, and Aborn from **35%** to 12%. Conversely, minority populations would increase at Cobbet from **83%** to **86%**, and at Connery, from 80% to **87%**."

SO ORDERED.

Dated: September 5, 2003

/s/
NANCY GERTNER, U.S.D.J.